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PROFESSOR LANGDELL—A VIEW OF HIS CAREER.¹

THE death of Professor Christopher Columbus Langdell, at the age of eighty, terminates a career which is singularly complete and triumphant, and which must receive careful attention in any history of law or of education. Born in 1826, in the little New Hampshire village of New Boston, he was educated, largely by means of money he himself earned, at Phillips Exeter Academy, Harvard College, and the Harvard Law School. Thereafter for nearly twenty years he practised law in New York, known to few besides the lawyers by whom he was largely employed. It was not until 1870, when he had reached the age of forty-four, that he found his great opportunity. In that year he became Dane Professor of Law and Dean of the Law Faculty of Harvard University; and from that time until now there has been a Langdell system of study, and to describe or attack or defend that system has been one of the most frequent undertakings of law students and of law teachers. For a generation no professor's name has been more widely known. Lately the discussions have been less heated, and perhaps less numerous, than formerly; but even now the question most often and most pressingly asked as to any law school is whether it uses the Langdell system. Professor Langdell himself spent no time in disputation. He simply devised the system, used it, and was content to let results test the correctness of his theory.

To introduce a new system of study at the Harvard Law School in 1870 was an act of great bravery. The school had been in

¹ Reprinted from *The Nation* of July 12, 1906.

existence for half a century. It was in great repute. Its professors had produced treatises which held, and still hold, a high place in the esteem of the profession. Even laymen have heard of the works of Story, Greenleaf, Parsons, and Washburn. Those productions had been largely the fruit of class-room lectures. By the method of instruction then current the student listened to lectures and read treatises; and, in order that the task might not be merely the memorizing of generalizations made by the lecturer or the text-writer, some instructors devoted much time to discussing concrete problems. Many men are still living who know that the work of those old days must not be treated disrespectfully; but Professor Langdell, though trained in the method then current, was of opinion that he knew a method more scientific, more thorough, and better fitted to produce successful lawyers. He knew — as, indeed, every law student learns in the first week of his studies — that the existence and limits of a rule of law must be proved finally, not by a text-book, but by the reported decisions of courts. He knew that when a lawyer has occasion to test a rule of law he searches for those decisions. Professor Langdell determined that the student should be trained to use those original authorities, and to derive from judicial decisions, by criticism and comparison, the general propositions which text-writers, if they do their work conscientiously, find in the same manner, — that, in other words, the student should not be fed with predigested food. The plan, as worked out, was that the instructor should reprint from the reports the cases adapted to show the growth of legal doctrine; that the student should master five or six cases in preparation for each class-room exercise; and that the exercise should consist of stating and discussing these cases and solving related hypothetical problems. However easy it may be to-day to see that this plan is reasonable, in 1870 it appeared to many persons, and indeed to most, impracticable and unscientific. The fact seems to be that this was an extremely early attempt to apply the inductive method of the laboratory to matters foreign to the natural sciences. To Professor Langdell it seemed the most natural plan possible. He had devised part of it in his own student days. He understood himself to be simply applying to the student stage of the lawyer's life the method established from time immemorial as to the work of the practitioner and the judge. On the title-page of his first collection of cases, he tied himself to the past by quoting words written by Coke two centuries earlier: "It is ever good to rely upon the

book at large, for many times *compendia sunt dispendia*, and *melius est petere fontes quam sectari rivulos*."

After Professor Langdell began the new plan, to persevere with it required further courage; for the majority of students, teachers, and practitioners showed only too clearly that they considered it foolish and almost sacrilegious to lay aside old methods and the time-honored treatises. Many years passed before the new system was adopted unanimously by Professor Langdell's colleagues. Meanwhile the Harvard Law School was bitterly attacked upon the supposition that this was the only method used; and in consequence, the attendance remained nearly stationary, being saved from serious diminution by nothing but the increase in the attendance upon Harvard College, and in the resort of Harvard graduates to the law school. About 1890 there came a great change. Almost simultaneously the Harvard Law School began to grow and the Langdell system began to spread to other universities. To-day Professor Langdell's triumph is complete. Time has demonstrated that persons trained under his system are sound and successful lawyers. That system is now the only one employed at Harvard. Most of the other law schools use it, wholly or partly, or some modification of it; and those which cling to old methods find it advisable to insert in their announcements argumentative matter to the effect that they combine with the old methods some features of the method discovered by Professor Langdell. The law schools employing the new system, wholly or partly, in its unmodified form, are distributed widely; and leaving out of the account states in which there are no law schools at all, one might have traced for Professor Langdell a triumphal progress from the Atlantic to the Pacific, passing exclusively through states in which at least one law school professedly uses his system.

To present, even inadequately, the chief facts as to Professor Langdell's greatest achievement has rendered it impracticable to enumerate his other services. Yet it must not be forgotten that for twenty-five years he was the Dean of the Harvard Law School, administering numerous duties with justice and with painstaking attention to detail; that he did much to promote the vast growth of the Harvard Law Library; that he produced four selections of cases, pioneer volumes made with great labor; and that he wrote three treatises, unsurpassed for accuracy, originality, and clearness. It should be added that his system of study has required teachers of law to do work of greater thoroughness and has thus aided to

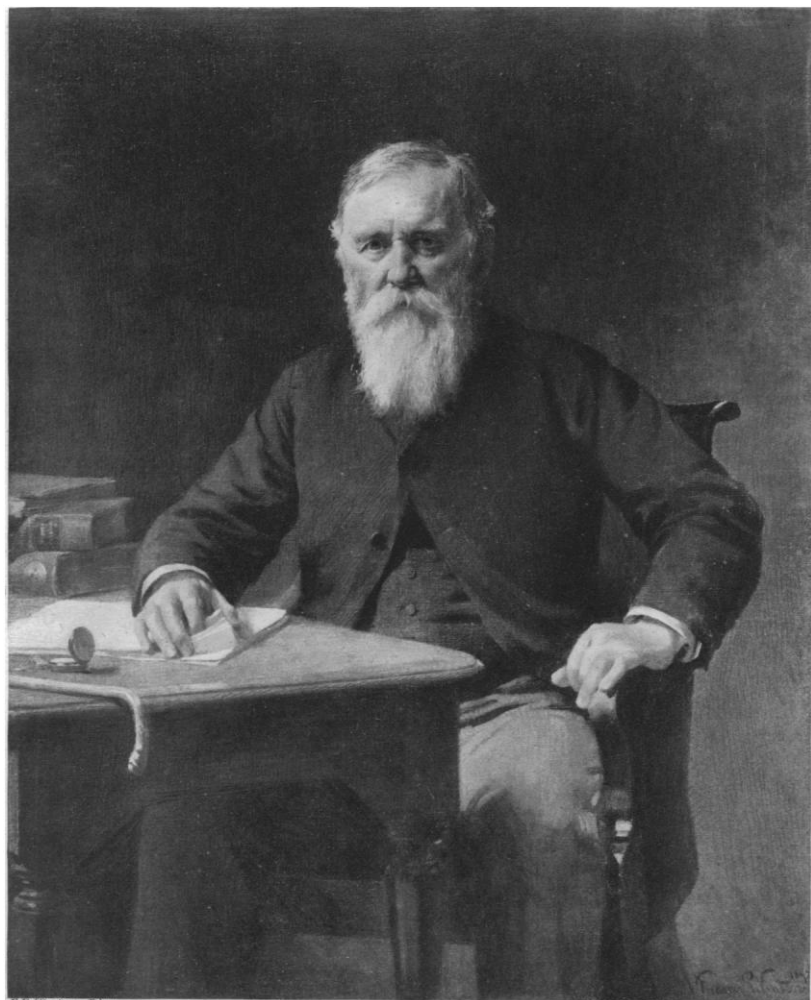
create, as a sort of by-product, the dignified career, now pursued by ten times as many persons as in 1870, of the professional teacher of law.

This remarkable record has been recognized at Harvard in ways that are obviously not perfunctory. In 1895, when Professor Langdell resigned the deanship, there was a great assembly of Harvard Law School graduates in his honor. In 1900, when he resigned the Dane professorship, the Harvard corporation appointed him Dane Professor of Law, *Emeritus*. In 1903 the corporation named in his honor a Langdell professorship, — an unprecedented compliment for Harvard to pay to a man still living. In 1906 the corporation assigned to the additional building for the law school the name of Langdell Hall; and when this building is completed it will be the only university building bearing the name of a professor.

And the man himself? Guileless, and shrewd; grave, and cheerful; modest, and fearless; not given to speech; persistent in the search for truth — on the last day of his life, though oppressed by infirmities, doing a full day's work: in short, the man's whole nature harmonized with his rank as a great master.

To do justice to the rare genius just now gone, it is not necessary to speak slightly of others. Has some other American, in any branch of knowledge, overthrown an established system of study and replaced it, in his own university and elsewhere, with a new and useful system so thoroughly identified with him that men call it by his name? If so, let the name of the man who has performed that brave and laborious service be placed beside Professor Langdell's at the head of the list of American scholars.

Eugene Wambaugh.



F. P. Vinton, Penn.

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L. C. Langelle